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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/763,775	02/26/2001		10910/3	6334
757	7590 08/31/2006		EXAMINER	
BRINKS HOFER GILSON & LIONE			DIXON, THOMAS A	
P.O. BOX 10 CHICAGO,			ART UNIT	PAPER NUMBER
			3639	
			DATE MAILED: 08/31/2006	

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)			
	09/763,775	TSUTSUI			
Office Action Summary	Examiner	Art Unit			
	Thomas A. Dixon	3639			
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the c	orrespondence address			
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DA - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication If NO period for reply is specified above, the maximum statutory period w - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION  B6(a). In no event, however, may a reply be tin  ATE OF THIS COMMUNICATION  B6(a). In no event, however, may a reply be tin  CALLED THIS COMMUNICATION  CALLED THIS COMMUNICATION  CALLED THIS COMMUNICATION  B6(a). In no event, however, may a reply be tin  CALLED THIS COMMUNICATION  CALLED THIS CALLED  CALL	N. nely filed the mailing date of this communication. D (35 U.S.C. § 133).			
Status					
1) Responsive to communication(s) filed on 01 M	av 2006				
<u>/=</u>	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is				
closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.					
Disposition of Claims	,				
·					
4) Claim(s) 40-75 is/are pending in the application.					
4a) Of the above claim(s) is/are withdrawn from consideration.  5) Claim(s) is/are allowed.					
· · · · · · · · · · · · · · · · · · ·					
6) Claim(s) is/are rejected.					
7) Claim(s) is/are objected to.					
8) Claim(s) <u>40-75</u> are subject to restriction and/or	election requirement.				
Application Papers					
9)⊠ The specification is objected to by the Examiner.					
10)☐ The drawing(s) filed on is/are: a)☐ accepted or b)☐ objected to by the Examiner.					
Applicant may not request that any objection to the	drawing(s) be held in abeyance. See	∍ 37 CFR 1.85(a).			
Replacement drawing sheet(s) including the correct	ion is required if the drawing(s) is ob	jected to. See 37 CFR 1.121(d).			
11)☐ The oath or declaration is objected to by the Ex	aminer. Note the attached Office	Action or form PTO-152.			
Priority under 35 U.S.C. § 119					
<ul> <li>12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of:</li> <li>1. Certified copies of the priority documents</li> <li>2. Certified copies of the priority documents</li> <li>3. Copies of the certified copies of the prior application from the International Bureau</li> <li>* See the attached detailed Office action for a list</li> </ul>	s have been received. s have been received in Applicati ity documents have been receive ı (PCT Rule 17.2(a)).	on No ed in this National Stage			
Attachment(s)					
Notice of References Cited (PTO-892)	4) Interview Summary				
2)	Paper No(s)/Mail Da 5) Notice of Informal P 6) Other:	ate Patent Application (PTO-152)			

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#### **DETAILED ACTION**

### Response to Arguments

1. Applicant's amendment 0f 1 May 2006 cancels claims 1-39 and adds claims 40-75.

## Specification Objections

2. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

Applicant's arguments regarding this objection appear to misunderstand the rejection, the links have nothing to do with the method of filing, they are text that appears in the specification, which when electronically published, as for example an web page of the patent would be interpreted by the browser as executable links to other web pages eg. phone.com on page 1, multiple occurrences of "http:...." on pages 20-23.

Further, the specification appears to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

Appropriate correction is required.

3. Newly submitted claims 40-75 directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

The original invention was related to radio portable terminals payment status management.

The new claims are broadly to calculating usage fees for use of applications with user's paying a fixed amount periodically.

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Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 40-75 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

#### Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Dixon whose telephone number is (571) 272-6803. The examiner can normally be reached on Monday - Thursday 6:30 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on (571) 272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thomas A. Dixon Primary Examiner Art Unit 3639